

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DONALD W. H.,

Plaintiff,

v.

**COMMISSIONER OF SOCIAL,
SECURITY,**

Defendants.

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Case No. 2:22-cv-2478

Chief Judge Algenon L. Marbley

Magistrate Judge Chelsey M. Vascura


ORDER

This matter is before this Court on the Magistrate Judge’s Report and Recommendation (“R&R”), recommending that this Court reverse the Commissioner of Social Security’s (“Commissioner”) determination and that this matter be remanded to the Commissioner and Administrative Law Judge (“ALJ”) pursuant to Sentence Four of § 405(g). (ECF No. 15). The R&R was issued on January 19, 2023 and advised the parties that they had fourteen days to raise any objections. (*Id.*). The R&R also notified the parties that a failure to object within the applicable time period would result in a waiver of the right to have the district judge review the R&R *de novo*. (*Id.*).

This Court has reviewed the R&R. Noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, this Court **ADOPTS** the R&R (ECF No. 15) as this Court’s findings of facts and law. The Commissioner’s partial non-disability determination is **REVERSED**, and this matter is **REMANDED** to the Commissioner and ALJ for further consideration consistent with the R&R.

IT IS SO ORDERED.

DATED: April 26, 2023


ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE